



## Senate

General Assembly

**File No. 54**

February Session, 2000

Substitute Senate Bill No. 344

*Senate, March 13, 2000*

The Committee on Human Services reported through SEN. HANDLEY of the 4<sup>th</sup> Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***An Act Concerning Recovery In Conservator Of Estate Matters.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-651 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) (1) If no suitable conservator can be found after due diligence  
4 and the court finds that the health or welfare of the respondent is in  
5 jeopardy, the Commissioner of Social Services shall accept  
6 appointment within available appropriations, as conservator of the  
7 estate of any respondent sixty years of age or older found incapable  
8 under sections 45a-644 to 45a-662, inclusive, of managing his or her  
9 affairs, whose liquid assets, excluding burial insurance in an amount  
10 up to one thousand five hundred dollars, do not exceed one thousand  
11 five hundred dollars at the time of such appointment. (2) If no suitable  
12 conservator can be found after due diligence and the court finds that  
13 the health or welfare of the respondent is in jeopardy, the  
14 Commissioner of Social Services shall accept appointment, within

15 available appropriations, as conservator of the person, of any  
16 respondent sixty years of age or older found incapable under said  
17 sections of caring for himself or herself, whose liquid assets, excluding  
18 burial insurance in an amount up to one thousand five hundred  
19 dollars, do not exceed one thousand five hundred dollars at the time of  
20 such appointment.

21 (b) The Commissioner of Social Services may delegate any power,  
22 duty or function arising from the appointment of such commissioner  
23 as either conservator of the estate or of the person respectively, to an  
24 employee of the Department of Social Services.

25 (c) When so appointed, such commissioner or [his] designees shall  
26 have all the powers and duties of a conservator as provided in sections  
27 45a-644 to 45a-662, inclusive. The department may contract with any  
28 public or private agency or person to assist in the carrying out of the  
29 duties as conservator of the estate or the person.

30 (d) During the term of appointment of the Commissioner of Social  
31 Services as conservator, if a suitable person or legally qualified person,  
32 corporation or municipal or state official is found to replace such  
33 commissioner as conservator, such person, corporation or official may  
34 be appointed successor conservator subject to the approval of the court  
35 of probate.

36 (e) The Commissioner of Social Services shall adopt regulations in  
37 accordance with the provisions of chapter 54 setting forth the terms  
38 and conditions of the acceptance and the termination of appointment  
39 as conservator of the estate or person in accordance with this section.

40 [(f) Subject to the approval of the probate court having jurisdiction,  
41 the estate of any person for whom the Commissioner of Social Services  
42 has been appointed conservator pursuant to this section shall be liable  
43 for payment for the cost of service as conservator and, to the extent  
44 possible, payment to such commissioner for such service shall be made

45 from the assets of the estate.]

46 [(g)] (f) In any proceeding to appoint the Commissioner of Social  
47 Services as conservator, the court shall appoint an attorney to  
48 represent the person for whom such commissioner has been appointed  
49 conservator if such person is without legal representation.

50 Sec. 2. This act shall take effect from its passage.

**HS Committee Vote:** Yea 19 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Department of Social Services

**Municipal Impact:** None

**Explanation****State Impact:**

The Department of Social Services (DSS) serves as Conservator of Estate for certain low-income residents. Current law requires that DSS attempt to recover assets from the estates of these individuals after their death. This bill eliminates this requirement. This elimination is not expected to result in any fiscal impact to the state, as DSS currently does not pursue such reimbursement because the assets available are generally valued at less than the administrative costs necessary to recover them.

---

**OLR Bill Analysis**

sSB 344

***AN ACT CONCERNING RECOVERY IN CONSERVATOR OF ESTATE MATTERS.***

**SUMMARY:**

This bill eliminates the requirement that an estate pay the Department of Social Services (DSS) conservator costs from its assets if DSS has acted as a conservator of the estate or person and the probate court approves the payment.

By law, the probate court can direct DSS to appoint a conservator of anyone age 60 or over who is found incapable of managing his affairs or caring for himself, whose liquid assets are no more than \$1,500, and whose health and welfare is determined to be in jeopardy. The conservator of estate provides basic financial management services; the conservator of person makes health care decisions and generally supervises the person's personal affairs.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Human Services Committee

Joint Favorable Substitute

Yea 19      Nay 0